

# Court of Appeals, State of Michigan

## ORDER

People of MI v Ibrahim Frank Fayz

Docket No. 262684

LC No. 04-012709-02

Kirsten Frank Kelly  
Presiding Judge

Helene N. White

Kurtis T. Wilder  
Judges

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED; this matter is REMANDED to the trial court for an evidentiary hearing and decision as to whether defendant appellant was denied the effective assistance of counsel. The proceedings on remand are limited to the issues raised in the motion to remand.

The Court retains jurisdiction and the time for proceeding with the appeal in this Court shall begin to run upon issuance of an order in the trial court that disposes of the post-conviction proceedings.

Defendant appellant shall file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days after the Clerk's certification of this order. The trial court shall hear and decide the matter within 56 days of the Clerk's certification of this order. Defendant appellant shall also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

The trial court shall make findings of fact and a determination on the record.

The trial court shall cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

Defendant appellant may file a supplemental brief pertaining to the issues raised on remand within 21 days after entry of the trial court's order deciding the matter or 21 days after the transcript of the hearing is filed, whichever date is later. Appellee may file a supplemental brief in response within 21 days after service of defendant-appellant's supplemental brief.

The time for proceeding with the appeal shall begin to run 14 days after the date this order is certified if the motion to initiate the post-conviction proceedings is not filed in the trial court within that 14-day period.

Judge Wilder would deny the motion to remand for failure to persuade the Court of the need for immediate appellate review.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 20 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk